

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

IN RE: ACTOS (PIOGLITAZONE)

MDL NO. 6:11-md-02299

This document applies to:

JUDGE DOHERTY

Civil Action No. 6:14-cv-03537

MAGISTRATE JUDGE HANNA

REPORT AND RECOMMENDATION

Atilio I. Leveratto (the plaintiff in Civil Action No. 6:14-cv-03537) is currently unrepresented. He was ordered to appear in court on March 16, 2016, and he was served with the hearing notice. (Rec. Doc. 44 in Civil Action No. 6:14-cv-03537). However, he did not appear at the hearing.

Mr. Leveratto was ordered to appear in court on April 26 2016 and show cause why he should not be held in contempt of court or have his claim dismissed for failure to comply with the rules and instructions of the court and the court's earlier order. (Rec. Doc. 45 in Civil Action No. 6:14-cv-03537). The order was sent to Mr. Leveratto by certified mail, return receipt requested. A note was returned to the court, advising that Mr. Leveratto no longer resided at the address on file with the court. Mr. Leveratto did not appear in court on April 26.

A litigant has an ongoing obligation to advise the court of current contact information. Apparently, however, Mr. Leveratto did not notify the court when he changed address.

Accordingly,

IT IS RECOMMENDED that, pursuant to Fed. R. Civ. P. 41, the claims asserted by Mr. Leveratto be dismissed without prejudice due to his failure to comply with the Court's order and his failure to keep the court apprised of his address.

Under the provisions of 28 U.S.C. § 636(b)(1)(C) and Fed. R. Civ. P. 72(b), parties aggrieved by this recommendation have fourteen days from service of this report and recommendation to file specific, written objections with the Clerk of Court. A party may respond to another party's objections within fourteen days after being served with of a copy of any objections or responses to the district judge at the time of filing.

Failure to file written objections to the proposed factual findings and/or the proposed legal conclusions reflected in the report and recommendation within fourteen days following the date of its service, or within the time frame authorized by Fed. R. Civ. P. 6(b), shall bar an aggrieved party from attacking either the factual findings or the legal conclusions accepted by the district court, except upon grounds

of plain error. See *Douglass v. United Services Automobile Association*, 79 F.3d 1415 (5th Cir. 1996).

Signed at Lafayette, Louisiana, on this 15th day of June 2016.

A handwritten signature in black ink, appearing to read 'P. J. Hanna', written over a horizontal line.

PATRICK J. HANNA
UNITED STATES MAGISTRATE JUDGE